

KEVIN DEWAYNE MOORE §
VS. § CIVIL ACTION NO. 1:12cv149
FEDERAL BUREAU OF PRISONS §

Plaintiff Kevin DeWayne Moore, an inmate confined at the United States Penitentiary in Marion, Illinois, proceeding *pro se*, filed the above-styled lawsuit. Plaintiff has filed a motion seeking leave to proceed *in forma pauperis* in this matter.

On April 26, 1996, the president signed into law the Prison Litigation Reform Act. Pub.L. No. 104-134, 110 Stat. 1321 (1996). 28 U.S.C. § 1915(g), which was created by the Act, prohibits prisoners from repeatedly filing frivolous or malicious complaints. Section 1915(g) provides as follows:

Prior to the date on which plaintiff filed this complaint, courts had dismissed two lawsuits and one appeal filed by


plaintiff as frivolous or malicious.¹ As a result, Section 1915(g) is applicable.

The allegations made in the complaint do not demonstrate plaintiff was in "imminent danger of serious physical injury" at the time this lawsuit was filed. Section 1915(g) therefore bars plaintiff from proceeding with this action on an *in forma pauperis* basis. This case will, accordingly, be dismissed.

Conclusion

For the reasons set forth above, this lawsuit will be dismissed without prejudice pursuant to 28 U.S.C. § 1915(g). An appropriate final judgment shall be entered.

SIGNED this the **25** day of **May, 2012**.


Thad Heartfield
United States District Judge

¹ *Moore v. 204th Dist. Ct., Dallas County, Tex.*, No. 08cv2281 (N.D. Tex. Sept. 29, 2009) (dismissed as frivolous); *Moore v. U.S. Marshals Serv.*, No. 10cv1566 (S.D. Tex. May 17, 2010) (dismissed as malicious); *Moore v. 204th Dist. Ct., Dallas County, Texas*, 376 Fed.Appx. 426 (5th Cir. 2010) (appeal dismissed as frivolous).